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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

ORBIT ENERGY & POWER, LLC,

Debtor.

Honorable Andrew B. Altenburg

Chapter 7

Bankr. No.: 22-19628(ABA)

Hearing Date: May 23, 2024
@ 2:00 pm

**APPLICATION OF LEX NOVA LAW, LLC, ATTORNEYS FOR ANDREW SKLAR,
CHAPTER 7 TRUSTEE, FOR ALLOWANCE OF SECOND INTERIM
COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD
SEPTEMBER 3, 2023 THROUGH DECEMBER 31, 2023**

TO THE HONORABLE ANDREW B. ALTENBURG, U.S. BANKRUPTCY JUDGE:

The Application of Lex Nova Law, LLC (“Applicant”), attorneys for Andrew Sklar, Chapter 7 Trustee herein (“Trustee”), for Allowance of Second Interim Compensation and Reimbursement of Costs Expended for the Period September 3, 2023 through December 31, 2023, respectfully states as follows:

1. Orbit Energy & Power, LLC (“Debtor”) filed a voluntary petition for relief pursuant to the provisions of Chapter 11 of the Bankruptcy Code on December 6, 2022 (the “Petition Date”).
2. The Chapter 11 case was converted to the instant Chapter 7 case by Order of this Court dated February 27, 2023.

3. Andrew Finberg was the Interim Trustee (the “Trustee”) in this Chapter 7 case, duly appointed and so-acting in this matter until August 30, 2023, when his appointment was vacated and Andrew Sklar was appointed as the successor Trustee (the “Successor Trustee”).

4. By Order of this Court dated March 15, 2023, Applicant was appointed as counsel for Andrew Finberg, effective March 7, 2023, the date the Application for Retention of Lex Nova Law, LLC was filed with the Court. Subsequent thereto, Applicant represented the Trustee in the within proceeding and before this Court. A copy of said Retention Order is annexed hereto and made part hereto as Exhibit “A”.

5. By Order of this Court dated September 13, 2023, Applicant was appointed as counsel for the Successor Trustee, effective September 3, 2023, the date the Application for Retention of Lex Nova Law, LLC was filed with the Court. Subsequent thereto, Applicant represented the Successor Trustee in the within proceeding and before this Court. A copy of said Retention Order is annexed hereto and made part hereto as Exhibit “B”.

6. By Order of this Court dated December 14, 2023, Applicant was granted first interim compensation for the period March 7, 2023 through August 30, 2023 in the amount of \$95,602.50 and reimbursement of expenses incurred in the amount of \$2,993.00 (the “First Interim Fee Order”). A true and correct copy of the First Interim Fee Order is attached hereto as Exhibit “C” and incorporated herein.

7. Applicant files this Application pursuant to the applicable provision of Sections 327, 315 and 331 of the Bankruptcy Code seeking allowance of second interim compensation for time expended by Applicant in the representation of the Trustee for the period September 3, 2023 through December 31, 2023.

8. All services for which compensation is requested were performed for, and on behalf of, the Successor Trustee and not on behalf of any other party.

9. Applicant has rendered services during the pendency of this Chapter 7 proceeding on behalf of the Successor Trustee for the period September 3, 2023 through December 31, 2023 totaling 105.20 hours.

10. In accordance with the requirements of Bankruptcy Rule 2016(a), a detailed statement of legal services rendered by Applicant in the representation of the Trustee for the period September 3, 2023 through December 31, 2023, in the amount \$54,782.00 is annexed hereto and incorporated herein as Exhibit “D”, which sets forth a detailed description of the services rendered by each professional person, together with an itemization of the date upon which the service was performed, the amount of time expended for that service and the hourly billing rate of each professional person performing services.

11. The time expended by Applicant on behalf of the Trustee during the period March 7, 2023 through August 30, 2023 is summarized as follows:

Name of Professional & Title	Years Admitted (or Years of Professional Service)	HOURS	RATE	FEE
1. E. Richard Dressel, Esquire	1988	100.75	\$525/hr.	\$52,893.75
2. Chimuanya Osuoha, Esquire	2022	4.55	\$415/hr.	\$ 1,888.25
FEE TOTALS		105.20		<u>\$54,782.00</u>

12. During the period September 3, 2023 through December 31, 2023, Applicant incurred \$1,402.00 in expenses on behalf of the Trustee, which are also set forth in the statement of legal services annexed hereto as Exhibit “D”.

13. Applicant has performed all services necessary to represent the Trustee in the instant proceeding, including the following:

- Review pleadings, Debtor records and site visits to ascertain assets of bankruptcy estate.
- Determine various claims against estate including, but not limited to, landlord claims, fleet vehicles and customer claims.
- Representation of Trustee at meeting of creditors in corporate case, as well as the meeting of creditors in the individual Chapter 11 case of Sean Angelini (principal of Debtor).
- Obtain necessary financial information from Debtor, including books and records.
- Preparation of recovery demands and complaints re preferential/post-petition payments on account of pre-petition obligations.
- Negotiation of settlements of preference/post-petition payment on account of pre-petition obligations demands, complaints.
- Prepare Application to Retain Applicant as Counsel for Substitute Trustee.
- Analysis re various creditors' asserted defenses to recovery actions.
- Representation of Substitute Trustee in connection with auction and private sales of vehicles, including filing of Motions and obtaining Orders approving Auction and Private Sales.
- Preparation of Settlement Agreements for preference/recovery demands and filing of Motions to Approve Settlements and obtaining Order granting Motions.
- Oppose/resolve Motion of Republic Bank for Relief from the Automatic Stay.
- Resolve issues with Maryland and Sewell, NJ landlords.
- Oppose/resolve Sun Financial Motion for Setoff.
- Prepare Applications to Retain Quaker City/Eric Merback to conduct vehicle auction and private sales.
- Oppose/resolve Ally Bank, Santander Bank and Key Bank Motions for Relief from the Automatic Stay regarding various vehicles.

14. Applicant believes that the compensation sought in the instant Application is fair and reasonable in light of the time and effort devoted, the responsibilities undertaken, the results achieved, the quality and efficiency of the work done and any other factors which may be relevant to a determination of the reasonableness of the compensation sought.

WHEREFORE, Lex Nova Law, LLC respectfully requests that this Honorable Court enter an Order allowing second interim compensation to Applicant in the amount of \$54,782.00

for legal services rendered and allowing \$1,402.00 for reimbursement of expenses incurred during the period from September 3, 2023 through December 31, 2023 and for any additional relief as may be deemed just and proper.

Respectfully submitted,

Lex Nova Law, LLC

/s/ E. Richard Dressel
E. Richard Dressel, Esquire
Attorneys for Andrew Sklar,
Chapter 7 Trustee

Date: April 24, 2024